

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BONNIE KRAHAM,

Plaintiff,

04 Civ 1684 (SCR)

-against-

JONATHAN LIPPMAN, sued in his individual
and official capacity as Chief Administrative
Judge of the State of New York; and
OFFICE OF COURT ADMINISTRATION,

DEFENDANTS'
RESPONSE TO
PLAINTIFF'S LOCAL
RULE 56.1 STATEMENT

Defendants.

Defendants, by their attorney, Michael Colodner, respond to plaintiff's statement of undisputed facts pursuant to Local Rule 56.1 as follows¹:

1. Defendants agree that this fact is not disputed.
2. In the absence of discovery, defendants are unable to respond to the accuracy of the fact.
3. Defendants do not dispute this fact to the extent that defendants understand the fact to consist of an accurate quote of the language contained in 22 NYCRR § 36.2(c)(4)(i); however, defendants dispute the characterization that Part 36 as prohibits "certain political party officials or their law firms

¹Numbered statements respond to the same-numbered statements in plaintiff's Local Rule 56.1 submission.

from receiving any court appointments,” as Part 36 pertains to multiple categories of fiduciary appointments and section 36.2(c)(4)(i) governs the fiduciary appointments of **all** chairs, executives, directors, or their equivalent, of **any** state or county political party.

4. In the absence of discovery, defendants are unable to respond to the accuracy of the fact.
5. In the absence of discovery, defendants are unable to respond to the accuracy of the fact.
6. In the absence of discovery, defendants are unable to respond to the accuracy of the fact.
7. In the absence of discovery, defendants are unable to respond to the accuracy of the fact.
8. Defendants do not dispute this fact to the extent that defendants understand the fact to consist only of an accurate summary and quote of the language contained in plaintiff’s letter, dated December 22, 2003.
9. Defendants do not dispute this fact to the extent that defendants understand the fact to consist only of an accurate summary of the language contained in plaintiff’s letter, dated December 22, 2003.

10. Defendants do not dispute this fact to the extent that defendants understand the fact to consist only of an accurate quote of the language contained in plaintiff's letter, dated December 22, 2003.
- 12.² Defendants do not dispute this fact to the extent that defendants understand the fact to consist only of an accurate summary and quote of the language contained in the letter of December 29, 2003, from Michael Colodner to plaintiff.

Dated: New York, New York
December 28, 2004

MICHAEL COLODNER
Attorney for Defendants
25 Beaver Street - 11th Floor
New York, New York 10004
(212) 428-2150

By: 
SHAWN KERBY (SK 1339)

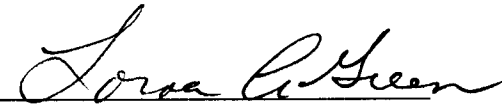
²Plaintiff's Local Rule 56.1 submission makes no reference to paragraph "11." Rather, after paragraph "10," plaintiff enumerates paragraph "12" in her Local Rule 56.1 submission.

STATE OF NEW YORK)
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COUNTY OF NEW YORK)

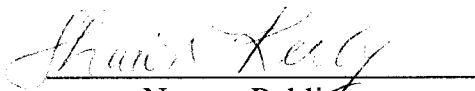
LORNA C. GREEN being duly sworn deposes and says that deponent is over the age of 18 years, is not a party to the action, and resides at 44 Quinn Street, Staten Island, New York 10304, and that on the 28th day of December, 2004, deponent served a copy of the within Response to Plaintiff's Local Rule 56.1 Statement upon the following, via express mail:

Stephen Bergstein, Esq.
Attorney for Plaintiff
Thornton, Bergstein & Ullrich, LLP
15 Railroad Avenue
Chester, New York 10918

at the last known address designated by him by depositing the same in a postpaid express mail wrapper in an official depository of the United States Postal Service in the State of New York.


Lorna C. Green

Sworn to before me this
28th day of December, 2004


Notary Public

SHAWN KERBY
Notary Public, State of New York
No. 02KE5023988
Qualified in New York County
Commission Expires 7/22/06